

# City of Memphis

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TENNESSEE



A C WHARTON, JR.  
MAYOR

July 9, 2010

The Honorable Jim Strickland, Chairman  
Personnel, Intergovernmental & Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Strickland:

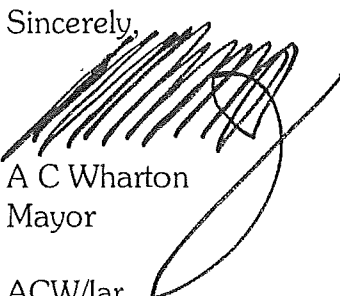
Subject to Council approval, it is my recommendation that:

***Edward L. Vaughn***

be appointed to the Memphis Board of Ethics with a term expiring January 12, 2016.

I have attached biographical information.

Sincerely,



A C Wharton  
Mayor

ACW/lar

c: Council Members  
Herman Morris, Jr., City Attorney  
Zayid A. Saleem, Assistant City Attorney



# City of Memphis

## BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Memphis Board of Ethics  
BOARD/COMMISSION

Name: Edward L. Vaughn Date of Birth: April 6, 1953

Business Address: 3030 Jackson, Avenue Phone: 320-2698  
Memphis, TN 38151

E-Mail Address: Ed.Vaughn@Merck.com

Business/Profession: Logistics Compliance Manager, Global Supply Chain

Education: Bachelor of Science Degree, Chemistry (Lemoyne-Owen College)

Name of Spouse: Sandra Number of Children: 2

Home Address: 4464 Whitepine Cove Phone: 785-5711

City: Memphis State: TN Zip: 38109

Resident of Shelby County: 57 years

Professional Organization/Associations: American Chemical Society  
National Organization For The Professional Advancement Of Black  
Chemists And Engineers (NOBCCHE)

Other Organizations/Associations: Memphis City Schools Board Of Commissioners  
Memphis Downtown Rotary Club & Memphis Neighborhoods, Inc. (C.A.R.E.)

Other Interests: \_\_\_\_\_

# **EDWARD L. VAUGHN**

**4464 WHITEPINE COVE**

**MEMPHIS, TENNESSEE 38109**

**☎ (901) 320-2698 (W) (901) 785-5711 (H) (901) 289-4062 (C)**

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## **O B J E C T I V E**

To contribute Management and Technical experience to an organization offering career development opportunities.

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## **Q U A L I F I C A T I O N S   S U M M A R Y**

- ✧ ORGANIZATIONAL MANAGEMENT - PRIORITIZING AND COORDINATING PERSONNEL AND MATERIALS
- ✧ TECHNICAL EXPERTISE - STABILITY OPERATIONS EMPHASIZING LABORATORY COORDINATION AND DATA EVALUATION
- ✧ CREATIVE PROBLEM ANALYSIS AND RESOLUTION - SETTING GOALS. MAINTAINING A CLEAR AGENDA, PERFORMING EFFECTIVELY WITH A FOCUS ON ACCOMPLISHMENT
- ✧ PERSONNEL DEVELOPMENT - TRAINING, SUPERVISING, AND MOTIVATING PERSONNEL
- ✧ EFFECTIVE INTERFACE WITH TACTICAL AND STRATEGIC MANAGEMENT AND ANCILLARY GROUPS
- ✧ HIGHLY MOTIVATED PROFESSIONAL WITH MANAGEMENT AND TECHNICAL PROFICIENCY, COMPUTER LITERACY AND INTERNET SAVVY.

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## **E M P L O Y M E N T**

### **Schering-Plough Consumer Healthcare**

Memphis, Tennessee

**LOGISTICS COMPLIANCE MANAGER, GLOBAL  
SUPPLY CHAIN**

**2007 - PRESENT**

This position is directly responsible for all Global Quality Systems maintenance and sustainability. Coordinates all activities associated with reviewing standards, performing impact assessments, developing and coordinating all activities associated with Level III SOPs, along with ensuring training has taken place. This position also reviews and provides the Global Quality Standard owners with input regarding revisions that have an impact on their operation. Also, interfaces with Global Quality colleagues pertaining to Guidance documents and determines their applicability to Level III SOPs.

This position is also responsible to implement, document and monitor an effective Business Compliance Program for the Business Unit, and provide Memphis site wide support for all DEA requirements. Coordinates and facilitates the review and implementation of all Business Compliance – Compliance Guides to comply with the established regulations and/or S-P Corporate Policy requirements. Also, determines applicability for the Business Unit by reconciling the Business Compliance requirements with the requirements of local laws. Ensures compliance monitoring and provides feedback and metrics to the Division Compliance Office.

### **Schering-Plough Consumer Healthcare**

Memphis, Tennessee

**SCIENTIST/TRAINER, RESEARCH AND  
DEVELOPMENT**

**2002 - 2007**

ASSIST IN MANAGEMENT OF THE COMPLIANCE TRAINING AND EDUCATION PROGRAM OF THE RESEARCH AND DEVELOPMENT ORGANIZATION. RESPONSIBLE FOR THE AREAS OF DESIGN, DEVELOPMENT, IMPLEMENTATION AND ASSESSMENT OF EFFECTIVE TRAINING PROGRAMS FOCUSED ON , BUT NOT LIMITED TO, AREAS OF COMPLIANCE SURROUNDING GMPs, GLPs AND GCPs. RESPONSIBLE FOR

## THE RÉSUMÉ OF EDWARD L. VAUGHN

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REVIEWING STANDARDS, PERFORMING ASSESSMENTS AND DEVELOPING AND COORDINATING TRAINING ACTIVITIES ASSOCIATED WITH LEVEL III SOPS. ALSO ENSURES THAT REQUIRED TRAINING HAS TAKEN PLACE AND IS UPDATED IN THE SABA LEARNING MANAGEMENT SYSTEM. RESPONSIBLE FOR R&D ANALYST QUALIFICATION PROGRAM, SITE NEW EMPLOYEE ORIENTATION PROGRAM AND CHEMICAL HYGIENE PROGRAM. PROVIDES SUPPORT FOR DEA REQUIREMENTS, TRAIN-THE -TRAINER AND LEADERSHIP THROUGH SAFETY PROGRAMS. INTERFACES WITH THE GLOBAL TRAINING COMMUNITY AND GLOBAL SUPPLY CHAIN, GLOBAL QUALITY AND GLOBAL INFORMATION TECHNOLOGY DIVISIONS AT THE MEMPHIS SITE.

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### Schering-Plough Healthcare Products

Memphis, Tennessee

#### SCIENTIST, VALIDATIONS R & D

1996 - 2002

MANAGE COMPLEX ANALYTICAL VALIDATION PROJECTS, EVALUATE SAMPLE PREPARATION AND ASSAY METHODOLOGY, OPERATE ANALYTICAL INSTRUMENTATION, SUPERVISE TECHNICIANS AND SUPPORT OTHER GROUPS AD HOC. WRITE AND REVIEW VALIDATION PROTOCOLS AND STANDARD OPERATING PROCEDURES. INTERFACE EFFICIENTLY WITH OTHER TERSTING SITES DURING METHOD TRANSFER. CHEMICAL HYGIENE OFFICER FOR VALIDATIONS R&D. SAFETY OFFICER FOR ANALYTICAL/STABILITY R&D.

#### MANAGER- ANALYTICAL STABILITY

1994 - 1996

PLAN, SCHEDULE, COORDINATE, SUPERVISE AND TRAIN SIX CHEMISTS AND TWO TECHNICIANS IN STABILITY OPERATIONS WHILE MAINTAINING PEAK LABORATORY EFFICIENCY.

#### GROUP LEADER

1992 - 1994

- MANAGE LABORATORY PERSONNEL AND OPERATIONS - TRAIN AND SUPERVISE PERSONNEL, REVIEW DATA AND DOCUMENTATION, SUPPLY REQUISITIONS AND WORK SCHEDULING.
- PERFORM EXPERIMENTAL AND ROUTINE LABORATORY ANALYSIS AND EQUIPMENT MAINTENANCE.

#### SENIOR CHEMIST

#### ANALYTICAL STABILITY

1989 - 1992

#### QUALITY CONTROL

1984 - 1989

- PERFORM EXPERIMENTAL AND ROUTINE ANALYSIS
- SUPERVISE CHEMISTS AND TECHNICIANS
- DEVELOP AND EDIT STANDARD OPERATING PROCEDURES

### Schering-Plough Healthcare Products

#### CHEMIST, QUALITY CONTROL

1982 - 1984

#### CHEMIST, QUALITY CONTROL

1975 - 1977

# THE RÉSUMÉ OF EDWARD L. VAUGHN

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## University of Tennessee

Memphis, Tennessee

RESEARCH TOXICOLOGIST  
1982

1977-

PERFORM EXPERIMENTAL AND ROUTINE DRUG ANALYSIS ON URINE, BLOOD, VITREOUS FLUID, AND OTHER BIOLOGICAL FLUIDS FOR THE SHELBY COUNTY MEDICAL EXAMINER, AREA HOSPITALS, AND LAW ENFORCEMENT AGENCIES.

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## EDUCATION AND TRAINING

### Lemoyne-Owen College

Memphis, Tennessee

BACHELOR OF SCIENCE DEGREE, CHEMISTRY

#### INSTRUMENTATION:

- ATOMIC SPECTROPHOTOMETER
- KARL FISHER TITRATORS
- DIFFERENTIAL CALORIMETRY
- CHROMATOGRAPHY (GAS, LIQUID, HPLC)
- SPECTROSCOPY (UV/VIS, IR, AA, FTIR)

### Continuing Education through Schering-Plough

Memphis, Tennessee

- PERSONNEL MANAGEMENT
  - STRESS REDUCTION
  - COMPUTER OPERATIONS
  - TRAIN -THE -TRAINER
  - SABA REGISTRAR/COORDINATOR TRAINING
  - SITUATIONAL COACHING
  - ROOT CAUSE ANALYSIS
  - TIME MANAGEMENT
  - FINANCE
  - CHEMICAL HYGIENE TRAINING
  - INSTRUCTIONAL DESIGN (IDLS)
  - LEADERSHIP THROUGH SAFETY
  - TRANSPORTATION OF DANGEROUS GOODS
  - SUPPLY IMPROVEMENT PROCESS
- 

## PROFESSIONAL MEMBERSHIPS

AMERICAN CHEMICAL SOCIETY

NATIONAL ORGANIZATION FOR THE PROFESSIONAL ADVANCEMENT OF BLACK CHEMISTS AND ENGINEERS (NOBCCHE)

SCHERING-PLOUGH EMPLOYEES ACTIVITIES KOMMITTEE (SPEAK)

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## PUBLIC SERVICE

MEMPHIS CITY SCHOOLS BOARD OF COMMISSIONERS

R.B. THOMPSON SCHOLARSHIP COMMITTEE  
HIGH

G.W. CARVER NATIONAL ALUMNI ASSOCIATION, INC.

MEMPHIS NEIGHBORHOODS, INC.  
(C.A.R.E.)

MEMPHIS DOWNTOWN ROTARY CLUB

TEAM STATISTICIAN FOR G.W. CARVER

MEMPHIS PREP PROGRAM

CITIZENS AGAINST RECKLESS ENDANGERMENT

# THE RÉSUMÉ OF EDWARD L. VAUGHN

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## REFERENCES AND SALARY HISTORY

AVAILABLE UPON REQUEST.

# **MEMPHIS BOARD OF ETHICS**

**8 Member Board**

**6 Year Term**

|                          |     |          |           |
|--------------------------|-----|----------|-----------|
| Judge Robert A. Lanier   | M/W | 01-12-14 | 4yr. Term |
| Marc Chambers            | M/W | 01-12-12 | 2yr. Term |
| Robert T. Dawkins        | M/W | 01-12-14 | 4yr. Term |
| Carol K. George          | F/B | 01-12-12 | 2yr. Term |
| Vaness M. Harvey         | F/B | 01-12-12 | 2yr. Term |
| Alicia Howard (resigned) | F/B | 01-12-16 | 6yr. Term |
| Ruth A. Pollard          | F/B | 01-12-16 | 6yr. Term |
| Pete Scatamacchia        | M/W | 01-12-14 | 4yr. Term |

**AN ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.**

**WHEREAS**, the population of the City of Memphis consists of people of every race, color, religion, sex, national origin, and sexual orientation; and

**WHEREAS**, it is in the interests of all citizens of Memphis to eradicate discrimination in all of its forms; and

**WHEREAS**, it is the intent of the Memphis City Council to enact an ordinance which promotes the fair treatment and rights of all individuals; and

**WHEREAS**, it is important to ensure that City of Memphis government employees and citizens of Memphis are not discriminated against based on Sexual Orientation, Gender Identity or Expression; and

**WHEREAS**, it is the intent of the Memphis City Council to continue to recognize uniformly held nondiscrimination policies and practices adopted in accordance with state and federal law as well as dress code and grooming requirements imposed by the City; and

**WHEREAS**, it is not the intent of the Memphis City Council to create any additional protected classes yet to be established by state or federal law through the adoption of this ordinance or to have this ordinance interpreted by any commission, court, or other body as elevating any one group into a protected class; and

**WHEREAS**, the Memphis City Council has determined it to be in the best interest of the citizens of Memphis and city government employees that this ordinance be adopted to expressly prohibit discrimination based on Sexual Orientation, Gender Identity or Expression.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,**

SECTION 1. That Chapter 9, Section 9-5 of the Code of Ordinances, be and is hereby amended to read as follows:

**9-5. No discrimination in city employment.**

- (a) There shall be no discrimination in the city employment of personnel or in the promotion or demotion of city employees because of religion, race, sex, creed, political affiliation, sexual orientation, gender identity or expression, or other nonmerit factors.**



- (b) The terms "gender identity or expression" and "sexual orientation" shall be hereafter defined by City policy.

**BE IT FURTHER ORDAINED**, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, or sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**BE IT FURTHER ORDAINED**, That this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Janis Fullilove, Councilwoman  
Memphis City Council

Harold Collins, Chair  
Memphis City Council

ATTEST:

Patrice Thomas  
Comptroller

**RESOLUTION TO SUPPORT THE INCLUSION OF A NON-DISCRIMINATION  
PROVISION IN ALL CITY CONTRACTS FOR SERVICES OR USE OF CITY  
FACILITIES AND THE CITY PERSONNEL MANUAL**

**WHEREAS**, the population of the City of Memphis consists of people of every race, color, religion, sex, national origin, and sexual orientation; and

**WHEREAS**, it is in the interests of all citizens of Memphis to eradicate discrimination in all of its forms; and

**WHEREAS**, the Memphis City Council desires to promote the fair treatment and rights of all individuals; specifically the citizens of Memphis and employees of city government; and

**WHEREAS**, it is important to ensure that such individuals are not discriminated against based upon sexual orientation, gender identity or expression; and

**WHEREAS**, it is the intent of the Memphis City Council to continue to recognize uniformly held nondiscrimination policies and practices adopted in accordance with state and federal law; and

**WHEREAS**, it is not the intent of the Memphis City Council to support the creation of any additional protected classes yet to be established by state or federal law or to have this resolution interpreted by any commission, court, or other body as elevating any one group into a protected class; and

**WHEREAS**, the Memphis City Council has determined it to be in the best interest of the citizens of Memphis and city government employees that a standard non-discrimination provision be included in all city contracts for services or use of city facilities to expressly prohibit discrimination based on sexual orientation, gender identity or expression as hereafter defined by City policy; and

**WHEREAS**, the Memphis City Council has further determined that the City Personnel Manual; specifically, PM-30-01, should be revised to incorporate a non-discrimination policy that expressly prohibits discrimination based upon sexual orientation, gender identity or expression.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that all city contracts for services or use of city facilities shall include a non-discrimination provision that expressly prohibits discrimination based upon sexual orientation, gender identity or expression.

**BE IT FURTHER RESOLVED** by the Council that the City Personnel Manual shall be revised to incorporate a non-discrimination policy that expressly prohibits discrimination based upon sexual orientation, gender identity or expression as such terms are hereafter defined by City policy.

Janis Fullilove, Councilwoman  
Memphis City Council

Harold Collins, Chair  
Memphis City Council



## Memphis City Council Summary Sheet

Resolution for concrete replacement in various locations.

1. Project to replace sidewalks, curbs, etc. Removed to repair sanitary sewers.
2. This project was initiated by the Public Works Division.
3. N/A
4. This project requires a construction contract with Barnes & Brower to replace concrete.
5. The project is funded under the Sewer Fund FY11 CIP rehab of existing sewers.

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2011 Capital Improvement Budget; and

**WHEREAS**, bids were taken on June 18, 2010 with the lowest complying bid of three bids being submitted by Barnes & Brower; and

**WHEREAS**, it is necessary to transfer an allocation of \$220,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Concrete Replacement, project number SW02085; and

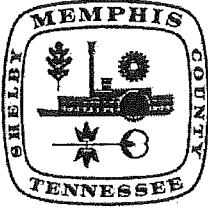
**WHEREAS**, it is necessary to appropriate \$220,000.00 funded by Sewer Revenue Bonds in Concrete Replacement, project number SW02085.

|                               |                            |
|-------------------------------|----------------------------|
| <b>Contract Amount:</b>       | <b>\$ 200,000.00</b>       |
| <b>Project Contingencies:</b> | <b><u>\$ 20,000.00</u></b> |
| <b>Total:</b>                 | <b>\$ 220,000.00</b>       |

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$220,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Concrete Replacement, project number SW02085.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$220,000.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

|                       |                             |
|-----------------------|-----------------------------|
| <b>Project Title:</b> | <b>Concrete Replacement</b> |
| <b>Project Number</b> | <b>SW02085</b>              |
| <b>Amounts:</b>       | <b>\$220,000.00</b>         |



## Memphis City Council Summary Sheet

Resolution for sewer line replacement at various locations.

1. Project to repair sanitary sewer lines at various locations within the Wastewater Collection System.
2. This project was initiated by the Public Works Division.
3. N/A
4. This project requires an extension to a construction contract with Acuff Enterprises D/B/A Scott Contractors to repair sanitary sewer lines in various locations.
5. The project is funded under the Sewer Fund FY11 CIP rehab of existing sewers.

## RESOLUTION

**WHEREAS**, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2011 Capital Improvement Budget; and

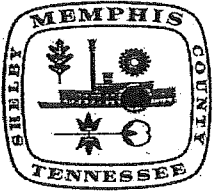
**WHEREAS**, it is necessary to extend an existing contract with Acuff Enterprises, Inc. DBA Scott Contractors, Inc. for an additional one year term in the amount of \$2,471,562.60 for sewer line replacement at various locations within the wastewater collection system; and

**WHEREAS**, it is necessary to transfer an allocation of \$2,718,720.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replacement FY 2008, project number SW02074; and

**WHEREAS**, it is necessary to appropriate \$2,718,720.00 funded by Sewer Revenue Bonds in Sewer Line Replacement FY 2008, project number SW02074 for sewer line replacement at various locations within the wastewater collection system:

|                              |                             |
|------------------------------|-----------------------------|
| <b>Contract Amount</b>       | <b>\$2,471,563.00</b>       |
| <b>Project Contingencies</b> | <b><u>\$ 247,157.00</u></b> |
| <b>Total</b>                 | <b>\$ 2,718,720.00</b>      |

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$2,718,720.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replacement FY 2008, project number SW02074 for sewer line replacement at various locations within the wastewater collection system.



## Memphis City Council Summary Sheet

Resolution for concrete replacement in various locations.

1. Project to replace sidewalks, curbs, etc. Removed to repair sanitary sewers.
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4. This project requires a construction contract with Barnes & Brower to replace concrete.
5. The project is funded under the Sewer Fund FY11 CIP rehab of existing sewers.



## **RESOLUTION**

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**WHEREAS**, bids were taken on June 18, 2010 with the lowest complying bid of three bids being submitted by Barnes & Brower; and

**WHEREAS**, it is necessary to transfer an allocation of \$220,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Concrete Replacement, project number SW02085; and

**WHEREAS**, it is necessary to appropriate \$220,000.00 funded by Sewer Revenue Bonds in Concrete Replacement, project number SW02085.

|                               |                            |
|-------------------------------|----------------------------|
| <b>Contract Amount:</b>       | <b>\$ 200,000.00</b>       |
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**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$220,000.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

|                       |                             |
|-----------------------|-----------------------------|
| <b>Project Title:</b> | <b>Concrete Replacement</b> |
| <b>Project Number</b> | <b>SW02085</b>              |
| <b>Amounts:</b>       | <b>\$220,000.00</b>         |



## Memphis City Council Summary Sheet

Resolution for sewer line replacement at various locations.

1. Project to repair sanitary sewer lines at various locations within the Wastewater Collection System.
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4. This project requires an extension to a construction contract with Acuff Enterprises D/B/A Scott Contractors to repair sanitary sewer lines in various locations.
5. The project is funded under the Sewer Fund FY11 CIP rehab of existing sewers.

## **RESOLUTION**

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**WHEREAS**, it is necessary to extend an existing contract with Acuff Enterprises, Inc. DBA Scott Contractors, Inc. for an additional one year term in the amount of \$2,471,562.60 for sewer line replacement at various locations within the wastewater collection system; and

**WHEREAS**, it is necessary to transfer an allocation of \$2,718,720.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replacement FY 2008, project number SW02074; and

**WHEREAS**, it is necessary to appropriate \$2,718,720.00 funded by Sewer Revenue Bonds in Sewer Line Replacement FY 2008, project number SW02074 for sewer line replacement at various locations within the wastewater collection system:

|                              |                             |
|------------------------------|-----------------------------|
| <b>Contract Amount</b>       | <b>\$2,471,563.00</b>       |
| <b>Project Contingencies</b> | <b><u>\$ 247,157.00</u></b> |
| <b>Total</b>                 | <b>\$ 2,718,720.00</b>      |

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$2,718,720.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replacement FY 2008, project number SW02074 for sewer line replacement at various locations within the wastewater collection system.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$2,718,720.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

|                        |                                      |
|------------------------|--------------------------------------|
| <b>Project Title:</b>  | <b>Sewer Line Replacement FY2008</b> |
| <b>Project Number:</b> | <b>SW02074</b>                       |
| <b>Amounts:</b>        | <b>\$2,718,720.00</b>                |



## Memphis City Council Summary Sheet

1. Resolution authorizes acceptance of the Nike Phase II State Industrial Access Road (SIA) improvements to be made by the Tennessee Department of Transportation (TDOT) at no cost to the City of Memphis. Work will be completed by TDOT that includes construction of an intersection at the SIA Road at New Allen Road and improvements to the intersection at Frayser Boulevard and New Allen Road. Resolution further authorizes the Mayor of the City of Memphis to execute all documents necessary for the acceptance of these infrastructure and road improvements.
2. Engineering
3. This is not a change to an existing resolution or ordinance.
4. This resolution requests that the City Mayor be authorized to sign the new TDOT contract associated with the Nike Phase II State Industrial Access improvements.
5. There are no expenditure of City funds in the TDOT contract nor is there a requirement for a budget amendment.

## **RESOLUTION**

**WHEREAS**, the City of Memphis is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance its capabilities for growth and development; and

**WHEREAS**, the provision of jobs to area citizens by local industry is essential to the well-being of the City of Memphis; and

**WHEREAS**, the Industrial Highway Act of 1959 (TCA 54-5-403) authorizes the Tennessee Department of Transportation to contract with cities and counties for construction and maintenance of "industrial highways" to provide access to industrial areas and to facilitate the development and expansion of industry within the State of Tennessee through the department's State Industrial Access (SIA) Program; and

**WHEREAS**, Nike, Inc., the largest seller of athletic footwear and athletic apparel in the world, has invested over \$100 million in the construction of a LEED-certified distribution facility at the corner of New Allen Road and Frayser Boulevard in North Memphis; and

**WHEREAS**, the City of Memphis is interested in supporting the Nike Phase II State Industrial Road (SIA) improvements which include construction of an intersection at the SIA Road at New Allen Road and improvements to the Frayser Boulevard and New Allen intersection; and

**WHEREAS**, the Tennessee Department of Transportation will fund all Nike Phase II SIA improvements at no cost to the City of Memphis.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis to accept the Nike Phase II State Industrial Access Road improvements to be made by the Tennessee Department of Transportation.

**BE IT FURTHER RESOLVED**, that the Mayor of the City of Memphis is hereby authorized to execute any and all documents necessary to accept the Nike Phase II State Industrial Access Road improvements.



## Memphis City Council Summary Sheet

- The resolution requests that a study be conducted of the Lick Creek Drainage system
- There would be expenditure of funds. The amount is not known at this time.
- Sponsored by Councilman Jim Strickland

## Memphis City Council Resolution

WHEREAS, over the last several years, the City of Memphis and other parts of Tennessee have received record rainfall amounts that caused significant property losses to businesses and residential properties; and

WHEREAS, in Memphis, residential homes served by the Lick Creek drainage system were especially hard hit by the devastating effects of recent storms with flood waters damaging not only the exterior of many properties, but also causing interior damage resulting in thousands of dollars in losses; and

WHEREAS, while the May 2010, historic weather event was horrific in its widespread loss of property and life, the event only underscored for many of the residents living within the Lick Creek drainage area, that the current drainage system is woefully inadequate to handle unique/unusual rain events when it regularly underperforms and routinely causes flooding; and

WHEREAS, a 2006 Lick Creek Drainage study conducted by Ellers Oakley Chester & Rike, Inc. included several recommendations to correct the drainage problems, but to date limited action has been taken to implement those recommendations; and

WHEREAS, it is imperative that the City of Memphis acts quickly to implement the solutions which will promote the health, safety and welfare of those served by the Lick Creek system and provide much deserved relief from continuous flood events.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that an engineering firm, from outside Memphis which is nationally recognized as a leader in urban drainage solutions, be retained to analyze the previous recommendations and to provide its own report within 60 days.

BE IT FURTHER RESOLVED that city officials hold public meetings with affected residents, the first one to occur within 30 days.

BE IT FURTHER RESOLVED that city officials complete the city's plan including project timetables and proposed budget within 120 days.

Jim Strickland



**Memphis City Council**  
**Summary Sheet**  
**CD 01085**

Resolution to appropriate funds for CIP Project Number CD01085 - Fairgrounds Public Green Space Project, Phase I - \$11,900,000.

- Resolution to appropriate the sum of Eleven Million Nine Hundred Thousand Dollars and 00/100 Dollars (\$11,900,000) G.O Bonds –General chargeable to the FY2011 Capital Improvement Budget
- On May 25, 2010, the City Council through its Fairgrounds Committee has reviewed and approved the request for Construction funding in order to complete Phase I of the project, with an estimated completion date of September 6, 2010.
- Modification of contracts and expending of funds will be required.

## **RESOLUTION**

**WHEREAS**, the City of Memphis has determined the "Tiger Lane" Public Green Space Project, Phase I, is a priority community development project; and

**WHEREAS**, it is the position of the City of Memphis that the Fairgrounds Public Green Space Project, Phase I, should be available, as quickly as practicable, to the citizens of Memphis; and

**WHEREAS**, on May 11, 2010, the Executive Committee of the Council of the City of Memphis approved the design of the Fairgrounds Public Green Space Project, which includes: the Base Bid (the Green Space Project), Alternate #1 (premium parking, radial parking and reduced run-off drainage to the Beltline neighborhood) and Alternate #2 (access roads, new fencing, new lighting, drainage improvements and Belt Line and Orange Mound neighborhood improvements); and

**WHEREAS**, the public bid opening, completed on May 21, 2010, determined the lowest bid for project construction was Fifteen Million Two Hundred Sixty Thousand and 00/100 Dollars (\$15,260,000) and the associated construction administration fee is Four Hundred Ninety Eight Thousand Seven Hundred Thirty Three and 00/100 Dollars (\$498,733) for a Total Project Cost of Fifteen Million Seven Hundred Fifty Eight Thousand Seven Hundred Thirty Three and 00/100 Dollars (\$15,758,733); and

**WHEREAS**, the City previously identified Four Million Five Hundred Thousand and 00/100 Dollars (\$4,500,000.00) from completed or non-critical CIP Project funds, not adversely impacting the FY 2010 cash flow, as available project funds; and

**WHEREAS**, on March 23, 2010 the City Council allocated and appropriated Six Hundred Six Thousand Two Hundred Ten and 00/100 Dollars (\$606,210) of this \$4,500,000 to fund Project Design; and

**WHEREAS**, June 7, 2010 the City encumbered Three Million Three Hundred Ninety Four Thousand Five Hundred Thirty Seven and 00/100 Dollars (\$3,394,537.00), from the previously identified FY '10 funds, under Contract #26794; and

**WHEREAS**, in order to fund the balance of the construction cost, the City must now appropriate the CIP funds approved under the FY '11 budget.

**NOW THEREFORE BE IT RESOLVED**, that there be and is hereby appropriated the sum of Eleven Million Nine Hundred Thousand Dollars and 00/100 Dollars (\$11,900,000) G.O Bonds –General chargeable to the FY 2011 Capital Improvement Budget and credited as outlined below.

|                        |   |
|------------------------|---|
| Project Title:         | Fairgrounds Public Green Space Project, Phase I |
| Project Number:        | CD01085   |
| Award #:               | 11010   |
| Contract Construction: | <u>\$11,900,000</u>                             |

|                     |                     |
|---------------------|---------------------|
| <b>TOTAL AWARD:</b> | <b>\$11,900,000</b> |
|---------------------|---------------------|



## Memphis City Council Summary Sheet

- Resolution to accept and appropriate \$53,298.00 from the State of Tennessee Dept. of Labor and Workforce Development for the WIA Title One National Emergency Grant.
- The City of Memphis Workforce Investment Network is requesting this action.
- There is no change to an existing ordinance or resolution.
- A new contract will be put in place with the State of Tennessee Dept. of Labor and Workforce Development Division.
- An amendment to the FY 2010-2011 Operating Budget is required to accept and appropriate the expenditures and revenues for the WIA Title One National Emergency Grant (NEG) in the amount of \$53,298.00

## RESOLUTION

**WHEREAS**, the City of Memphis Workforce Investment Network has received grant funds in the amount of Fifty Three Thousand, Two Hundred Ninety Eight Dollars, (\$53,298.00) from the State of Tennessee Department of Labor Workforce Development; and

**WHEREAS**, these funds will be used to provide a contingency fund for WIA Title One National Emergency Grant (NEG)

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2010-2011 Operating Budget to establish funds for the WIA Title One National Emergency Grant (NEG); and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount Fifty Three Thousand, Two Hundred Ninety Eight Dollars, (\$53,298.00) for the WIA Title One National Emergency Grant (NEG)

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the WIA Title One National Emergency Grant (NEG) in the amount of Fifty Three Thousand, Two Hundred Ninety Eight Dollars, (\$53,298.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2010-2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One National Emergency Grant (NEG) in the amount of Fifty Three Thousand, Two Hundred Ninety Eight Dollars, (\$53,298.00) as follows:

### Revenue

|  |                   |
|--|-------------------|
| State of Tennessee Department of Labor |                   |
| WIA Title One National Emergency Grant | \$49,350.00       |
| Administrative Services                | <u>\$3,948.00</u> |
| TOTAL                                  | \$53,298.00       |

### Expense

|  |                   |
|--|-------------------|
| WIA Title One National Emergency Grant | \$49,350.00       |
| Administrative Services                | <u>\$3,948.00</u> |
| TOTAL                                  | \$53,298.00       |



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. This Resolution is to amend Community Enhancement Capital Improvement Budget that was approved by City Council to purchase Three Vans and Three Cars to be replaced by Sixteen Commercial Mowers
2. Community Enhancement is the initiating party although all Capital Acquisition projects are assigned to General Services
3. This is a change in what was being purchased through the Division of General Services for the Division of Community Enhancement
4. Does not require a new contract nor does it amend existing contract.
5. This resolution does not require budget amendments

## **RESOLUTION**

**WHEREAS**, the Community Enhancement Division's Capital Improvement Budget includes a financial commitment from the City of Memphis of approximately One Hundred and Sixty-Seven Thousand and Seven Hundred Dollars and 00/100 (\$167,700.00) for the purchase of vehicles; and

**WHEREAS**, the Council of the City of Memphis has approved funding for Community Enhancement's Fiscal Year 2011 Capital Improvement Budget in the amount of One Hundred and Sixty-Seven Thousand and Seven Hundred Dollars and 00/100 (\$167,700.00), to fund its Capital Acquisition; and

**WHEREAS**, Community Enhancement has been approved to purchase three vans and three full sized cars for One Hundred and Sixty-Seven Thousand and Seven Hundred Dollars and 00/100 (\$167,700.00); and

**WHEREAS**, it has been determined by the Community Enhancement Division that the purchase of Commercial Mowers was a higher priority and it is necessary to amend its Fiscal Year 2011 Capital Improvement Budget Request (allocation) for Project GS02011H to replace the original Vehicle request with Thirteen Commercial Mowers at a cost of One Hundred and Sixty-Seven Thousand and Seven Hundred Dollars and 00/100 (\$167,700.00).

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that Fiscal Year 2011 Capital Improvement Budget be and is hereby amended for Community Enhancement's Capital Acquisition Project, GS02011H to purchase Thirteen Commercial Mowers instead of three vans and three full sized cars in the amount of One Hundred and Sixty-Seven Thousand and Seven Hundred Dollars and 00/100 (\$167,700.00)

**Capital Acquisition      \$167,700.00**

**CIP Project Number: GS02011H      G.O. Bonds**



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution approving the appropriation of \$368,000.00 for Information Technology for the Animal Shelter Replacement, CIP Project Number PS01010, as part of the FY11 Capital Improvement Program funded by G.O. Bonds

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This does not require a new contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

An amendment to the Fy2011 budget is required to appropriate \$368,000.00



## RESOLUTION

**WHEREAS**, the Council of the City of Memphis approved the Animal Shelter Replacement, CIP Project #PS01010, as part of the Public Services and Neighborhoods Fiscal Year 2011 Capital Improvement Budget; and

**WHEREAS**, it is necessary to appropriate \$368,000.00 in Information Technology, funded by G.O. Bonds from Project #PS01010 for the Animal Shelter Replacement for the following:

**Expenses:**

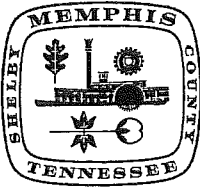
|                                |                    |
|--------------------------------|--------------------|
| Network Equipment              | \$31,000.00        |
| Wireless Equipment             | \$10,000.00        |
| PC/ Printer and other Hardware | \$45,000.00        |
| Camera Equipment               | \$20,000.00        |
| Telephone System               | \$50,000.00        |
| Cabling                        | \$45,000.00        |
| Fiber                          | \$50,000.00        |
| Labor (Project Management)     | \$92,000.00        |
| Contingencies                  | <u>\$25,000.00</u> |
| Total                          | \$368,000.00       |

**Funding Source:**

|            |              |
|------------|--------------|
| G.O. Bonds | \$368,000.00 |
|------------|--------------|

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated \$368,000.00 in General Obligation Bonds for CIP Project #PS01010, Animal Shelter Replacement, chargeable to the FY2011 Capital Improvement Budget and credited as follows:

|                         |   |
|-------------------------|---|
| <b>Project Title:</b>   | <b>Animal Shelter Replacement</b>           |
| <b>CIP Project No.:</b> | <b>PS01010</b>                              |
| <b>Funding Sources:</b> | <b>\$ 368,000.00    G. O. Bonds General</b> |
| <b>Total:</b>           | <b>\$ 368,000.00</b>                        |



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution approving the appropriation of \$500,000.00 for Furniture, Fixtures, and Equipment for the Animal Shelter Replacement, CIP Project Number PS01010, as part of the FY11 Capital Improvement Program funded by G.O. Bonds

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

A contract will be put into place for the any furniture fixtures and/or equipment purchased.

5. State whether this requires an expenditure of funds/requires a budget amendment.

An amendment to the Fy2011 budget is required to appropriate \$500,000.00

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did include the Animal Shelter Replacement, CIP Project Number PS01010, as part of the Fiscal Year 2011 Capital Improvement Budget; and

**WHEREAS**, it is necessary to appropriate \$500,000.00, CIP Project Number PS01010 funded by G. O. Bonds General for the Animal Shelter Replacement for Furniture, Fixtures and Equipment.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the amount of \$500,000.00, CIP Project Number PS01010, funded by G. O. Bonds General for the Animal Shelter Replacement with said appropriation being credited as follows:

|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>Project Title:</b>       | <b>Animal Shelter Replacement</b> |
| <b>CIP Project Number:</b>  | <b>PS01010</b>                    |
| <b>Total FY11 FFE Cost:</b> | <b>\$500,000.00</b>               |



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution to accept and appropriate \$5,445.00 from the H.W. Durham Foundation which will be used to purchase Scooters and Convenience Carts for Senior Citizens who visit the Memphis Public Library.

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

No new contracts or amendments are required.

5. State whether this requires an expenditure of funds/requires a budget amendment.

An amendment to the FY2011 Operating Budget is required to accept and appropriate \$5,445.00.

## **RESOLUTION**

**WHEREAS**, the City of Memphis, Division of Public Services and Neighborhoods, Memphis Public Library and Information Center, has received grant funds in the amount of Five Thousand Four Hundred Forty Five Dollars (\$5,445.00) from the H.W. Durham Foundation; and

**WHEREAS**, these funds will be used to purchase Scooters and Convenience Carts for Senior Citizens who visit the Library; and

**WHEREAS**, it is necessary to accept and appropriate the grant funds in the amount of Five Thousand Four Hundred Forty Five Dollars (\$5,445.00).

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that Five Thousand Four Hundred Forty Five Dollars (\$5,445.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the purchase of Scooters and Convenience Carts in the amount of Five Thousand Four Hundred Forty Five Dollars (\$5,445.00) as follows:

**Revenues:**

|                        |                   |
|------------------------|-------------------|
| H.W. Durham Foundation | <u>\$5,445.00</u> |
| Total                  | \$5,445.00        |

**Expenditures:**

|                         |                   |
|-------------------------|-------------------|
| Misc Materials/Supplies | <u>\$5,445.00</u> |
| Total                   | \$5,445.00        |



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)
  - Resolution
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)
  - Finance Division
3. State whether this is a change to an existing ordinance or resolution, if applicable.
  - Amendment to the FY2010 Adopted Budget Ordinance
4. State whether this requires a new contract, or amends an existing contract, if applicable.
  - Not Applicable
5. State whether this requires an expenditure of funds/requires a budget amendment.
  - Yes, establishes facility management program expense in the amount of \$757K

## **RESOLUTION**

**WHEREAS**, the City of Memphis Division of Finance has received funds in the amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00) from the State of Tennessee for revenue collected pursuant to a new professional privilege tax (T.C.A. § 67-4-1702 and T.C.A. § 67-4-1703); and

**WHEREAS**, these funds will be used as payment to the facility management company to cover expenses associated with securing events at the indoor sports facility of the City of Memphis i.e. FedEx Forum Arena; and

**WHEREAS**, it is necessary to accept this funding and amend the Fiscal Year 2010 Operating Budget to establish the appropriation for this State Shared Revenue; and

**WHEREAS**, it is necessary to appropriate these funds in the amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00) for facility management program expenses

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that funds in the amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00) be accepted by the City of Memphis.

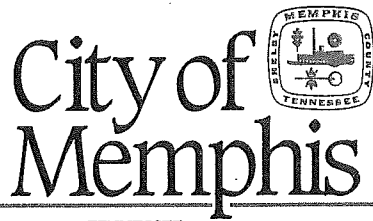
**BE IT FURTHER RESOLVED**, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues in the amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00) as follows:

**Revenue**

|                      |              |
|----------------------|--------------|
| State Shared Revenue | \$757,500.00 |
|----------------------|--------------|

**Expenses**

|                                     |              |
|-------------------------------------|--------------|
| Facility Management Program Expense | \$757,500.00 |
|-------------------------------------|--------------|



A C WHARTON, JR. - Mayor  
GEORGE M. LITTLE - Chief Administrative Officer  
LAW DIVISION  
HERMAN MORRIS, JR. - City Attorney  
Planning & Development  
Josh Whitehead, AICP, Assistant City Attorney

## MEMORANDUM

To: Memphis City Council

From: Josh Whitehead, Assistant City Attorney

Date: July 20, 2010

Subject: **Amendments made to the UDC (ZTA 09-001 CC) by the Shelby County Board of Commissioners**

The purpose of this memorandum is to summarize the four amendments made by the Shelby County Board of Commissioners during their first two readings of the Unified Development Code (UDC). These amendments were not reflected in the paper copy of the UDC you received prior to Council's First Reading of the Zoning Text Amendment on June 22, 2010. As the UDC is a joint ordinance that must be approved by both the Memphis City Council and Shelby County Board of Commissioners, these amendments are being offered for your consideration on Third and Final Reading on July 20, 2010. The document is expected to be subsequently approved on Third and Final Reading by the Shelby County Board of Commissioners on July 26, 2010. Throughout this memorandum, proposed language is indicated in **bold, double underline**; deletions are indicated in ~~strikethrough~~.

Amendment No. 1: The Board of Commissioners amended the effective date for the UDC in three ways 1) to insert the date of January 1, 2011 as the effective date, 2) to allow the Memphis City Schools and Shelby County Schools additional time to adhere to the provisions of the UDC since Qualified School Construction Bonds (QSCB) funds have already been allocated by the US Department of Education for new schools and site plans have been drawn for these locations and 3) to permit a property owner the choice to adhere to the provisions of the UDC between the date the UDC is approved on and January 1, 2011.

### *Chapter 1.3, Effective Date*

*This development code was adopted on [insert date here] and **becomes** became effective on **January 1, 2011, except as it applies to properties owned by Shelby County Schools and Memphis City Schools, in which case this development code becomes effective on August 1, 2011. Between the adoption date and the effective date, a property owner may choose to adhere to either this development code or the previously adopted Memphis and Shelby County Zoning Code and Subdivision Regulations.***

Amendment No. 2: The Board of Commissioners amended the permissible locations for the construction of new schools. Under the current Zoning Code, schools may be located on any street (arterial, collector or local) since the Zoning Code has no effect on either the Shelby County Schools or Memphis City Schools. Under this amendment, all high schools must be located on either connectors or arterials and all elementary,



middle, and junior high schools must be located on either connectors, arterials or a local street provided the local street is at least 40 feet wide adjacent to the school. The locations of arterials, connectors and local streets are indicated in the Memphis Metropolitan Organization's Long Range Transportation Plan.

2.6.2 C School, Public or Private, Seminary

8. All elementary, middle and junior high schools shall be located on a connector or arterial, **or on a local street if the drivable width of the local street adjacent to the school site is at least 40 feet wide.**

9. All high schools shall be located on an arterial **or connector.**

In addition to the above-referenced amendment, the following definition was added, since the UDC utilizes the term "connector" and the Long Range Transportation Plan utilizes the term "collector:"

12.3.1 General Definitions

**CONNECTOR: As it pertains to specified uses permitted along connector streets, a connector shall be defined as any street identified as either a collector or connector in the Long Range Transportation Plan.**

Amendment No. 3: The Board of Commissioners amended the University District Overlay and the Uptown Special Purpose District to allow schools in residential districts by right rather than by issuance of a special use permit, since schools are permitted by right in residential districts throughout the balance of the jurisdiction of the UDC.

The proposed amendment added solid boxes to Section 8.2.11 for "schools, public or private (K-12)" to indicate these uses are permitted by right in the R6, RU-1 and RU-3 zoning districts rather than by special use permit. This amendment also replaced the "S" that indicates a special use permit in the Medium-Density Residential Zoning District on the table in Section 7.2.11 with an "X," indicating this as a use by right. This squared these tables in the University District Overlay and the Uptown Special Purpose District with the Use Table in Section 2.5.2, which applies to all properties not included in Overlay or Special Purpose Districts.

Amendment No. 4: Finally, the Board of Commissioners approved an amendment to the section of the UDC concerning Certificates of Occupancy. The proposed amendment clarifies the current process of issuing Certificates of Occupancy.

Sub-Section 9.19.3A:

*It shall be unlawful for an owner or any other person to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy has been issued by the Building Official in that owner or person's name; **provided however, such certificate of occupancy shall not be required for a person to use an existing building or premises, or part thereof, if:***

- 1. The proposed use does not require a change in the physical layout of the interior or exterior of the building or structure or its support systems which would require the issuance of a permit from the Building Official under the technical codes; and**

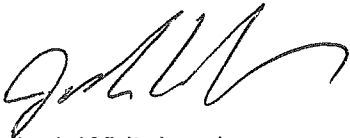
**2. The proposed use is:**

- (a) a permitted use under Article 2.5 of this development code for the zoning district in which the building is located, and**
- (b) the same use and occupancy classification under Chapter 3 of the building code as the most recent such building code use and occupancy classification of the premises.**

**9.17.2 C. A sign permit shall not require a certificate of occupancy.**

Please feel free to contact me if you have any questions on any of these matters, or on the UDC in general.

Sincerely,



Josh Whitehead  
576-6602  
[josh.whitehead@memphistn.gov](mailto:josh.whitehead@memphistn.gov)



## Memphis City Council Summary Sheet

- Adds “assignment” to the recently adopted amendment to treat leases with terms of 2 years or more the same a property conveyance requiring Council approval:

**SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Chapter 2, Section 2-291 (10) be amended to read as follows:

(10) Lease agreements involving real property

“For the purposes of this Section any lease or license agreement two (2) years or more shall be considered a conveyance and shall be submitted to City Council for approval, except for Right of Entry Agreements, Encroachment Agreements, and Easement Agreements. Any extensions or renewals or *assignments* bringing the total term to two (2) years or more shall be included as a conveyance.”

- There is no cost or contracts associated with this Resolution.
- **Sponsored by Conrad**

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND CHAPTER 2 CODE OF ORDINANCES, CITY  
OF MEMPHIS TO AMEND CERTAIN SECTIONS OF  
2-291 RELATING TO REAL PROPERTY**

**WHEREAS**, the Code of Ordinances provides language and processes for the disposition of city properties through sale, exchange or transfer; and

**WHEREAS**, it is necessary to ensure that there is clear and concise language that related to the disposition of real property belonging to the City of Memphis.

**NOW, THEREFORE,**

**SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MEMPHIS**, that Chapter 2, Section 2-291 (10) be amended to read as follows:

(10) Lease agreements involving real property

“For the purposes of this Section any lease or license agreement two (2) years or more shall be considered a conveyance and shall be submitted to City Council for approval, except for Right of Entry Agreements, Encroachment Agreements, and Easement Agreements. Any extensions or renewals or assignments bringing the total term to two (2) years or more shall be included as a conveyance.”

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY  
OF MEMPHIS**, that this ordinance shall take effect on July 01, 2010 after is has been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

**KEMP CONRAD**  
Council Member

**HAROLD COLLINS**  
Council Chairman

Attest:  
Patrice Thomas, Comptroller